



LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARIES OF THE BALONNE SHIRE, MARANOA REGIONAL COUNCIL AND WESTERN DOWNS REGIONAL COUNCIL

JULY 2015

LOCAL GOVERNMENT CHANGE COMMISSION

REPORT ON A CHANGE TO THE EXTERNAL BOUNDARIES OF THE BALONNE SHIRE, MARANOA REGIONAL COUNCIL AND WESTERN DOWNS REGIONAL COUNCIL

JULY 2015

Electoral Commission of Queensland
Level 6, 160 Mary Street, Brisbane Qld 4000
GPO Box 1393, Brisbane Qld 4001

Telephone: 1300 881 665
Facsimile: (07) 3036 5776
Website: www.ecq.qld.gov.au

TABLE OF CONTENTS

Background 1

Submissions 1

Findings..... 2

Reasons for Findings2

Implementation3

Appendix A – Ministers Referral

Appendix B – Council Submissions

Appendix C – Maps

Background

The Honourable the Minister for Local Government, asked me in December 2015 to consider realignment of the common boundaries of the Balonne Shire, Maranoa Regional Council and Western Downs Regional Council.

This matter encompasses a proposed change to the common boundary in two areas between the local governments including the following lots —

- Lot 5 and Lot 6 on Survey Plan 215322, County of Elgin and Parish of Major located in Maranoa Regional Council, Owned by Richard Underwood and Edward Underwood respectively be moved into Balonne Shire Council.
- Lot 3 on Survey Plan 131779, County of Belmore and Parish of Kooroon located in Balonne Shire Council, Owned by the Morgan's be moved into Western Downs Regional Council.

It is proposed that—

- Lot 3 on Survey Plan 131779 be moved from Balonne Shire to Western Downs Regional Council.
- Lots 5 and Lot 6 on Survey Plan 215322 stay as they are in Maranoa Regional Council.

The Change Commission in this case is comprised of the Electoral Commissioner and casual Commissioner Mr Gregory Rowe in accordance with section 22 of the *Local Government Act 2009* (the Act). The Change Commission is responsible for assessing whether a proposed local government change is in the public interest. In doing so, the Change Commission must consider—

- whether the proposed local government change is consistent with the Act; and
- the views of the Minister about the proposed local government change; and
- any other matters prescribed under a regulation.

Section 19(3) of the Act provides that the Change Commission may conduct its assessment in any way that it considers appropriate including, for example—

- ask for submissions from any local government that would be affected by the proposed local government change; and
- hold a public hearing to ask the public for its views about the proposed local government change.

The Change Commission has determined that the holding of a public hearing is, on this occasion, unnecessary. There no electors affected by the proposed change.

Submissions

The Minister for Local Government referred the matter to the Change Commission based on a submission he had received from Balonne Shire Council. The Minister referred these matters without expressing a view for or against the proposal. The referral is included in Appendix A.

The submission from Balonne Shire Council was accompanied by a letter of support and agreement from Maranoa Regional Council and Western Downs Regional Council. The submission was based on an initial proposal from the Department of Natural Resources and

Mines concerning boundary anomalies in the two areas. The submissions are included in Appendix B.

The Change Commission has determined that the calling for submissions from the Council's concerned on this occasion, unnecessary as they are included in the original submission forwarded by the Minister.

The submissions showed that the Councils were in agreement on the proposed changes. However, the minutes of the Balonne Shire Council attached to the submission indicated two important matters the Change Commission needed to take into account as there were no supporting documents indicating owner consent to the proposed changes -

1. The movement of Lots 5 and 6 from Maranoa RC to Balonne Shire was subject to property owners consent.
2. The movement from Lot 3 had feedback from owner agreeing to the proposal to move from Balonne Shire to Western Downs RC.

1. Lots 5 and 6 on SP215322

The Change commission contacted Maranoa Regional Council concerning the lack of information regarding owner consent to the change. The council explained that they had written to the owners in December 2013 but had received no reply. The Commission subsequently wrote to the owners in May 2015 to get a response. Both owners contacted the change commission by telephone indicating that they had no interest in moving their properties into Balonne Shire.

2. Lot 3 on SP131779

The Change Commission contacted Western Downs Regional Council concerning the lack of information regarding owner consent to the change. The council explained that they had written to the owners and received a form indicating consent. They forwarded the form to the Commission proving the owners agreement to move into Western Downs.

Findings

After an assessment of the material submitted and having taken into account all considerations specified in the Act, it is recommended that—

- **Lot 3 on Survey Plan 131779 is moved from Balonne Shire to Western Downs Regional Council.**
- **Lots 5 and Lot 6 on Survey Plan 215322 stay as they are in Maranoa Regional Council.**

See Maps attached at Appendix C for details.

Reasons for Findings

In the case of Lot 3 on SP131799 as all parties to this matter i.e. both councils and the landholders, are in agreement with the proposed change to the common boundary it makes common sense and would be in the public interest for the owner to have both parcels of land together in Western Downs Regional Council.

In the case of Lots 5 and 6 on SP215322 the Councils have agreed to the move but subject owner consent (Balonne Shire minutes). The owners did not give their consent to the proposed move. Given the wording of the Balonne minutes and the property owners lack of consent the Commission cannot see the public interest in this particular case to agree to the move. The boundaries should remain unchanged in this area between Balonne Shire and Maranoa RC.

Implementation

The Governor in Council may implement the Change Commission's recommendation under a regulation.

The regulation may provide for anything that is necessary or convenient to facilitate the implementation of the local government change.

Walter van der Merwe and Gregory Rowe
Local Government Change Commission

APPENDIX A

Ministers Referral



Hon David Crisafulli MP Minister for Local Government
Community, Recovery and Resilience



Level 18 Mineral House
41 George Street Brisbane
PO Box 15031 City East
Queensland 4002 Australia
Telephone +61 7 3719 7420
Facsimile +61 7 3012 8901
Email localgovt@ministerial.qld.gov.au
www.dlgcr.qld.gov.au

Our ref: MC14/3673

18 DEC 2014

Mr Walter van de Merwe
Electoral Commissioner of Queensland
GPO Box 1393
BRISBANE QLD 4001

Dear Mr van de Merwe

I refer to the enclosed application from Balonne Shire Council of 29 September 2014 requesting a review of its boundaries with Maranoa Regional Council and Western Downs Regional Council.

In accordance with Chapter 2, Part 3 of the *Local Government Act 2009*, I refer Balonne Shire Council's application for assessment of the following boundary changes:

- Lot 5 and Lot 6 on SP215332 to be wholly incorporated within Balonne Shire Council
- Lot 3 on SP131779 to be wholly incorporated within Western Downs Regional Council.

The enclosed application includes documentation showing support for Balonne Shire Council's proposal from Maranoa Regional Council and Western Downs Regional Council, as the other affected local governments, and the affected landowners.

If you require any further information, please contact Ms Jennie O'Connor, Acting Regional Director, Southern Region on (07) 345 26772 or jennie.o'connor@dlgcr.qld.gov.au, who will be pleased to assist.

Yours sincerely

David Crisafulli MP
Minister for Local Government,
Community Recovery and Resilience

Enc (1)

APPENDIX B

Council Submissions

COPY



When telephoning or calling
please ask for:

MR ANDREW MCKENZIE
Our Ref: AMCK : AMCK D14/10884

29 September 2014

The Hon. David Crisafulli
Minister for Local Government, Community Recovery and Resilience
PO BOX 15009
CITY EAST QLD 4002



Dear Minister

Re: Request to review the Local Government boundary bordering Maranoa, Western Downs and Balonne local government areas.

I refer to Council's letter dated 23rd June 2014 in relation to the above and advise that Council has completed its consultation with adjoining affected Councils.

As such, I am able to confirm that:-

1. Balonne and Maranoa Councils agree that Lot 5 and Lot 6 on SP215332 should be wholly incorporated into Balonne Shire Council; and
2. Balonne and Western Downs Council agree that Lot 3 on SP131779 should be wholly incorporated into Western Downs Regional Council.

In support of the above, I enclose copies of:-

1. Council's resolutions of 20th June and 19th September 2014.
2. Letter dated 26th August 2014 from Maranoa Regional Council; and
3. Letter dated 22nd August 2014 from Western Downs Regional Council.

Council anticipates that Maranoa and Western Downs Regional Councils will also be writing to you seeking a review of our common boundaries.

Would you please contact Council's Mr Andrew McKenzie on 4620 8888 should you require any further information in relation to the above.

Yours faithfully

Peter O'May
CHIEF EXECUTIVE OFFICE

Cr Kellock and Cr Gaske that details of Council's procedures for collection of rate debts be forwarded to Ms Jodie Bailey.

CARRIED

Cr Paul moved and Cr Marsh seconded that the Monthly Financial Management Report for the period ending 31st May, 2014, as tabled, be received and noted.

CARRIED

Cr Kellock declared a Material Personal Interest in the following item before Council in accordance with Section 172 of the *Local Government Act 2009*, as she is Office Manager of one of the tenderers, and retired from the Meeting at 11:30am.

CFS2

PROPOSED SALE OF 77-89 & 90-96 SCOTT STREET

(12/55 – D14/5128 – 07.05.14) From the Director Corporate & Financial Services reporting on the proposed sale of 77-89 and 90-96 Scott Street, St George.

Cr Marsh moved and Cr Paul seconded;

1. That pursuant to section 227 of the Local Government Regulation 2012, Council resolve to auction Lots 8-12 & 19 on Plan RP86403 and 11-13 & 20 on Plan RP74069 being 77-87 and 90-96 Scott Street, St George;
2. That Council engage Raine & Horne as its auctioneer and agent to transact the sale of the subject lots;
3. That pursuant to section 257 of the Local Government Act 2009, Council delegates authority to the Chief Executive Officer to conclude the sale of the subject lots (including entering into negotiations with the highest bidder for lots passed in at the auction and signing sale contracts with successful bidders).

CARRIED

Cr Kellock returned to the Meeting at 11:40am.

CFS3

BOUNDARY REVIEW

(12/55 – D14/5068 – 28.05.14) From the Director Corporate & Financial Services reporting further on the Review of the Shire Boundary.

Cr Avery moved and Cr Kellock seconded;

1. That Council write to the Minister for Local Government, Community Resilience and Recovery requesting the Local Government Change Commissioner amend the Balonne Shire Boundary (adjoining Maranoa, Goondiwindi and Western Downs Regional Councils) by excising the parts of Lot 5 & 6 SP215322 from Maranoa Regional Council and wholly incorporating them into Balonne Shire Council subject to the property owner's consent.
2. That in the letter to the Minister for Local Government, Community Resilience and Recovery, Council reserve the right to review and comment upon any other proposed changes to the Balonne Shire Boundary, contemplated by the Local Government Change Commissioner as a result of referrals from Balonne's neighbouring local governments; and

3. That Council reply to the Department of Natural Resources and Mines advising that after consulting affected land holders, Council has referred only one (1) property to the Local Government Change Commissioner for review, and that Council will not be taking any action on the remaining four (4) properties identified by the Department.

CARRIED

CFS4

**COUNCILLORS
REMUNERTION POLICY**

(12/55 – D14/6333 – 03.06.14) From the Director Corporate & Financial Services providing a report on 2014/15 Councillor Remuneration.

Cr Paul moved and Cr Avery seconded that the report be received and its contents noted.

CARRIED

CFS5

**LAND SURRENDER
BROSNAN MUNGINDI**

(12/55 – D14/6487 – 10.06.14) From the Director Corporate & Financial Services reporting on an application by Mr Neville Brosnan to surrender Lot 703 M2391, Mungindi, to Council.

Cr Marsh moved and Cr Paul seconded that Council write to Mr Brosnan advising that Council prefers to assist him with the facilitation of the sale of the subject land but if this offer is not acceptable Council would reluctantly accept the surrender of Lot 703 RP for arrear of rates.

CARRIED

CFS6

**COMMUNITY RATE
SUPPORT PROGRAM**

(12/55 – D14/6488 – 10.06.14) From the Director of Corporate & Financial Services reporting on applications received from the Dirranbandi QCWA and the Anglican Parish of St George under the Community Rates Support Program.

Cr Marsh moved and Cr Gaske seconded that in accordance with Section 122 of the *Local Government Regulation 2012*, Council grants the following rate rebates under Council's Community Rates Support Program

| Organisation | Rebate |
|------------------------------|-----------|
| QCWA Dirranbandi | \$ 389.50 |
| Anglican Parish of St George | \$ 747.00 |

CARRIED

CFS88

**MONTHLY REPORTS –
FINANCIAL SERVICES**

(12/55 - D14/6049 – 05.06.14) Monthly Report of the Director of Corporate and Financial Services.

Cr Kellock moved and Cr Paul seconded that the reports be received.

CARRIED

CFS99

**GENERAL – FINANCIAL
SERVICES**

Nil

Mr Kevin Searle (Director of Infrastructure Services) and Mr Michael Shellshear (Project Engineer – Water & Sewerage) entered the Meeting

letter and advise Mr & Mrs Proud that Council is unwilling to purchase the land.

CARRIED

CFS3 DIRRANBANDI STATE
SCHOOL P & C ASSN
DONATION (11/201 – D14/9917 – 02.09.14) From the Director Corporate & Financial Services reporting on an application received from Dirranbandi P-10 State School requesting a donation towards their fund raising activities for Year P-2 Trip to Dubbo.

Cr Kellock moved and Cr Marsh seconded that Council provides funds to the amount of \$500.00 to Dirranbandi P-10 State School Dubbo Trip.

CARRIED

CFS4 RFDS SPONSORSHIP
ANNUAL DIARY (11/201 – D14/10056 – 04.09.14) From the Director Corporate & Financial Services reporting on an application received from the Royal Flying Doctor Service requesting Council advertise in their 2015 Annual Diary.

Cr Marsh moved and Cr Paul seconded that Council make a direct donation of \$500.00 to the Royal Flying Doctor Service.

CARRIED

CFS5 ST GEORGE COC
CHRISTMAS CARNIVAL
DONATION (11/201 – D14/9997 – 02.09.14) From the Director Corporate & Financial Services reporting on an application received from the St George & District Chamber of Commerce requesting a donation to the St George Business Christmas Carnival.

Cr Avery moved and Cr Gaske seconded

1. That Council provides funds to the amount of \$500.00 to St George District Chambers of Commerce to go towards the Children's fun arcade:
2. That in accordance with Council's condition of hire, Council grants a 50% concessional waiver for the hire of tables and chairs to be used by the Committee:
3. That Council agree to waive the \$50.00 cost involved with the supply of extra bins
4. Council refuse to pick up and drop off furniture.

CARRIED

CFS6 BOLLON TENNIS CLUB
DONATION (11/201 – D14/9995 – 03.09.14) From the Director Corporate & Financial Services reporting on an application received from the Bollon Tennis Club Inc requesting a donation of \$600.00 to contribute towards their annual open tennis tournament.

Cr Kellock moved and Cr Paul seconded that Council provides funds to the amount of \$500.00 to the Bollon Tennis Club.

CARRIED

CFS7 REVIEW SHIRE
BOUNDARIES (14/3 – D14/10116 – 08.09.14) From the Director Corporate & Financial Services reporting on the Review of Council Boundaries.

Cr Avery moved and Cr Kellock seconded that Council write to Western Downs Regional Council advising that it offers no objection to the inclusion of the whole of Lot 3 SP131779 within Western Downs

local government area, noting that feedback received by Council from the affected property owner supports this proposal.

CARRIED

CFS8

COUNCIL POLICY
TELECONFERENCING

(12/55 – D14/10123 & D14/10194 – 08.09.14) From the Director Corporate & Financial Services reporting on a proposed Policy guide for granting leave of absence and Councillor's ability to teleconference into Meetings.

Cr Paul moved and Cr Avery seconded that Council provide comment and / or adopt the attached draft Policy.

CARRIED

Council adjourned for Lunch at 1:27pm and resumed at 2:07pm.

CFS9

COMMUNITY RATE
REMISSIONS

(12/55 - D14/10164 – 08.09.14) From the Director Corporate & Financial Services reporting on Council's Community Rates Support Program to provide support for community and not for profit organisations that pay general rates, sewerage and cleansing utility service charges.

Cr Avery moved and Cr Marsh seconded that 'in accordance with Section 122 of the *Local Government Regulation 2012*, Council grant the following rate rebates under Council's Community Rates Support Program

| Organisation | 01-07-2014 to 31-12-2014 Rebate | 01-01-2015 to 30-06-2015 Rebate | Total Rebate |
|----------------|---------------------------------------|---------------------------------------|-----------------|
| QCWA St George | \$339.08 | \$339.07 | \$678.15 |
| Total | \$339.08 | \$339.07 | \$678.15 |

CARRIED

CFS10

SALE FOR ARREARS OF
RATES

Cr Kellock retired from the Meeting at 2:11pm because of a perceived interest as she is the Rental Manager for one of the properties listed below.

(11/22 – D14/10181 – 08.09.14) From the Director Corporate & Financial Services reporting on properties that are in arrears of rates and charges for three (3) years or more and inquiring if Council wishes to initiate sale for arrears on these properties.

Cr Avery moved and Cr Paul seconded that In accordance with s140 (2) of the *Local Government Regulation 2012* Council resolve to sell the properties listed below for overdue rates and charges.

| Assessment | RPD | Property Address |
|-----------------|---|---|
| 00179-00000-000 | Lot 13 Registered Plan 97055, Parish Currawildi, County Belmore | 50 Railway Street, Dirranbandi Qld 4486 |
| 00285-00000-000 | Lot 11 Crown Plan D30623, Parish Currawildi, County Belmore | 53 Cowildi Street, Dirranbandi Qld 4486 |
| 00291-00000-000 | Lot 1 Registered Plan | 33 Cowildi Street, |



maranoa
REGIONAL COUNCIL

Enquiries: Tanya Mansfield
Phone: 07 4624 6935 (Direct) or
1300 007 662 (via Customer Service)
Our Refs: D14/16052; D14/49527; D14/61041

BALONNE SHIRE COUNCIL
RECEIVED

26 August 2014

- 1 SEP 2014

Mr Peter O'May
Chief Executive Officer
Balonne Shire Council
PO Box 201
St George QLD 4487

| To | From | Subject |
|---------|------|---------|
| Mayor | | Mayor |
| Council | | Council |
| CEO | | CEO |
| MCs | | MCs |
| Deputy | | Deputy |
| GIS | | GIS |
| AO | | AO |
| Eng | | Eng |
| ES | | ES |
| EO | | EO |
| File | | File |

Dear Mr O'May

Re: Local Government Boundary Anomalies

At its General Meeting held on 13 August 2014, Council considered a number of anomalies pertaining to the Maranoa Regional Council local government boundary adjacent to the Banana Shire, Western Downs Regional Council and Balonne Shire Council local government areas.

This review was completed as a result of a request received from the Department of Natural Resources and Mines. In forming its decision Council considered a range of factors including access roads to the properties, the geographical location of the majority of the lots, and feedback from affected property owners.

Council also considered correspondence received from your Council dated 25 July 2014, regarding its resolution to apply to have Lot 5 on SP215322 and Lot 6 on SP215322 entirely located in the Balonne Shire Council local government area.

The outcome from the meeting was that Council resolved as follows:

Resolution No. GM/08.2014/18

That Council:

- 1. Advise Banana Shire, Western Downs Regional Council and Balonne Shire Council that Council has completed an assessment of the boundary anomalies as notified by the Department Natural Resources and Mines and considered in its assessment access roads to the property, the location of the majority of the area of the lot and feedback from affected property owners.**
- 2. Advise Banana Shire, Western Downs Regional Council and Balonne Shire Council that it is Council's position that the local government boundary should be moved to locate Lot 5 on SP215322 and Lot 6 on SP215322 entirely in Balonne Shire Council and Lot 4 on SP 204532, Lot 9 on AB 244, Lot 9 on SP 236780, Lot 22 on SP 248280, Lot 70 on WV 631 and Lot 368 on FTY 535 entirely within the Maranoa Regional Council Local Government Area.**

Maranoa Regional Council
Cnr Bungil & Quintin Streets
Roma Queensland 4455
P 1300 007 662 F 07 4624 6990
www.maranoa.qld.gov.au

Postal Address
PO Box 42
Mitchell Queensland 4465
ABN: 99 324 089 164

3. ***Apply to the Minister for Local Government for a referral of the matter to the Local Government Change Commissioner (Electoral Commission of Queensland) providing details of Council's assessment and recommendations.***

If you have any queries in relation to this matter, please do not hesitate to contact Council's Manager- Facilities, Tanya Mansfield, on one of the numbers listed above.

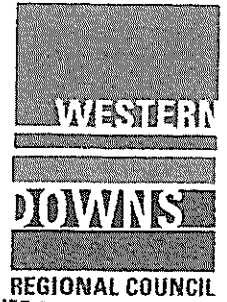
Yours sincerely

A handwritten signature in dark ink, appearing to read 'Julie Reitano', is written over the printed name.

Julie Reitano
Chief Executive Officer

Customer Contact
1300 COUNCIL (1300 268 624)
07 4679 4000

www.wdrc.qld.gov.au



OUR COMMUNITIES | OUR FUTURE

BALONNE SHIRE COUNCIL
RECEIVED

26 AUG 2014

Address all correspondence
to the Chief Executive Officer
PO Box 551, DALBY, QLD 4405

info@wdrc.qld.gov.au

ENQUIRIES TO:
Lynn Sharpe
P 1300 268 624

FILE REF:
14/3/1

PB:LTS

22 August 2014

Mr Peter O'May
Chief Executive Officer
Balonne Shire Council
PO Box 201
St George 4487

Dear Sir

| To | Copy to | For |
|---------|---------|------------|
| Mayor | - | Info - Juc |
| Council | - | Reply |
| CEO | - | Comments |
| DCS | - | Report to |
| DHPE | - | |
| DTIS | - | Ann |
| SAD | - | |
| PayO | - | |
| SRS | - | |
| LEO | - | |

RE: Review of Local Government Boundaries

I refer to correspondence forwarded to our respective Councils by the Department of Natural Resources and Mines seeking a review of the alignment of identified Local Government boundaries which bisect land parcels.

This Council appointed a small committee to meet and review the identified anomalies. Following consultation with the affected landowners it is proposed that the identified property on our common boundary Lot 3 SP131779 (Map A 4), become part of Western Downs Regional Council.

Could you please confirm your Council's support, or otherwise, for this proposal.

Should you wish to discuss this proposal further, please contact Council Governance and Information Support Manager, Mrs Lynn Sharpe.

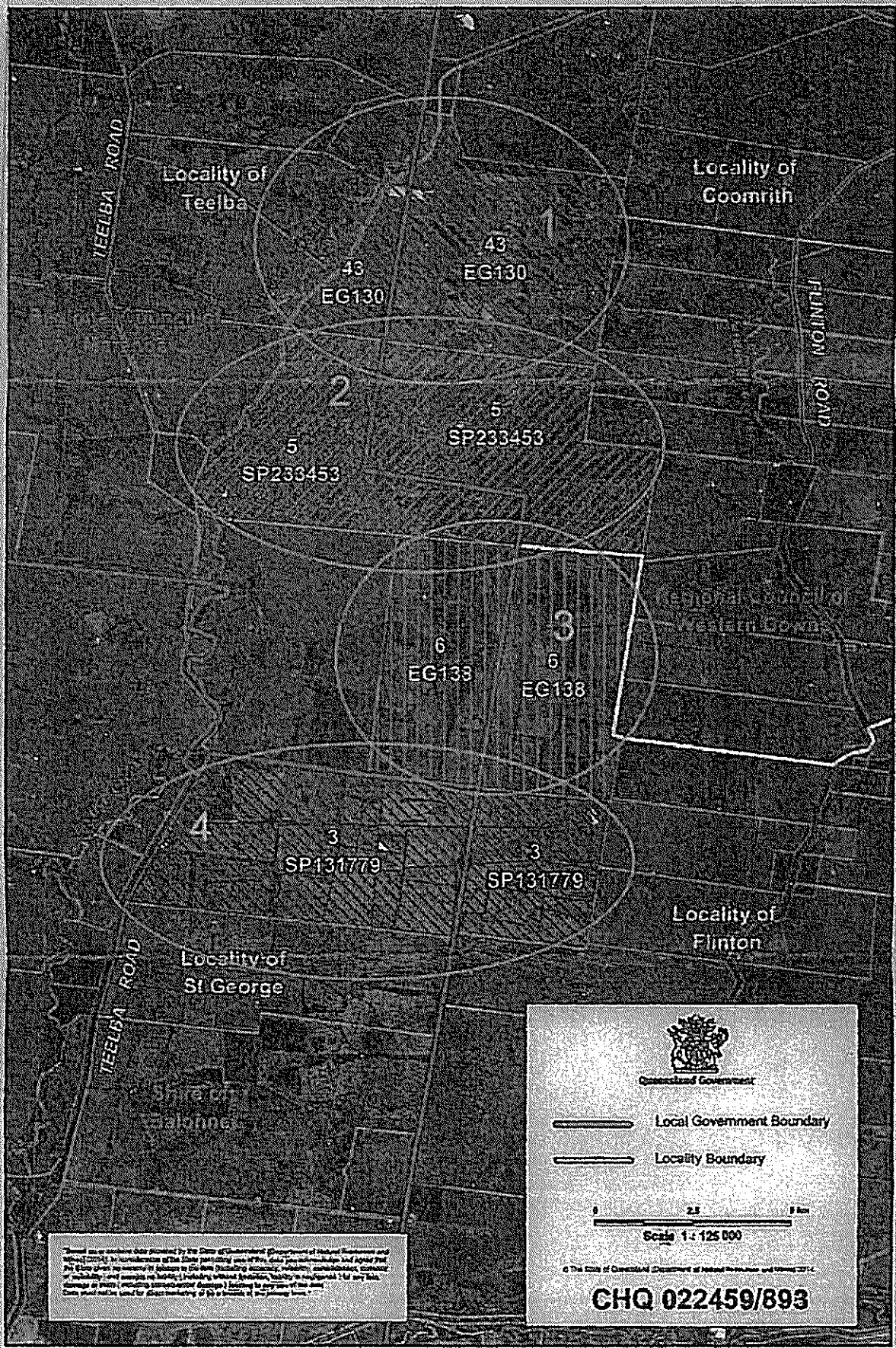
Yours faithfully


Phil Berting PSM
CHIEF EXECUTIVE OFFICER

Enc.

Map A (4)

A



14/3/11

Western Downs Regional Council Local Government Boundary Anomalies Survey Form

| | | | | |
|-------------------------------|-----|------|----------|------|
| W.D.R.C. RECEIVED | | | | |
| 19 JUN 2014 | | | | |
| Postmark/Fax/Original Time: 8 | | | | |
| Officer | FYI | Task | Initials | Date |
| Lynn | ✓ | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Please forward your response:-

- by email for the attention of Ms Lynn Sharpe to info@wdrc@qld.gov.au; or
- by letter to the Chief Executive Officer, Western Downs Regional Council, PO Box 551 Dalby 4405.

Batch No:

Please tick ✓ your preferred response:-

- ☐ I would prefer that the current boundary arrangements remain unchanged; or
- ☒ I would prefer that all of Lot 3 SP131779, assess no 31734 at Penfolds Road Finton Qld 4422 be located in Western Downs Regional Council; or
- ☐ I would prefer that all of Lot 3 SP131779, assess no 31734 at Penfolds Road Finton Qld 4422 be located in Maranoa Regional Council / Balonne Shire Council; or
- ☒ I would prefer that all of the Lot 6 EG138, assess no 31734 at 550 Chambers Road Meandarra Qld 4422 be located in Western Downs Regional Council; or
- ☐ I would prefer that all of the Lot 6 EG138, assess no 31734 at 550 Chambers Road Meandarra Qld 4422 be located in Maranoa Regional Council / Balonne Shire Council; or
- ☐ I would prefer an alternative option (please attach details)
- ☒ I agree that a copy of this response may be forwarded to Maranoa Regional Council / Balonne Shire Council.

Signed:

Date: 13/6/14

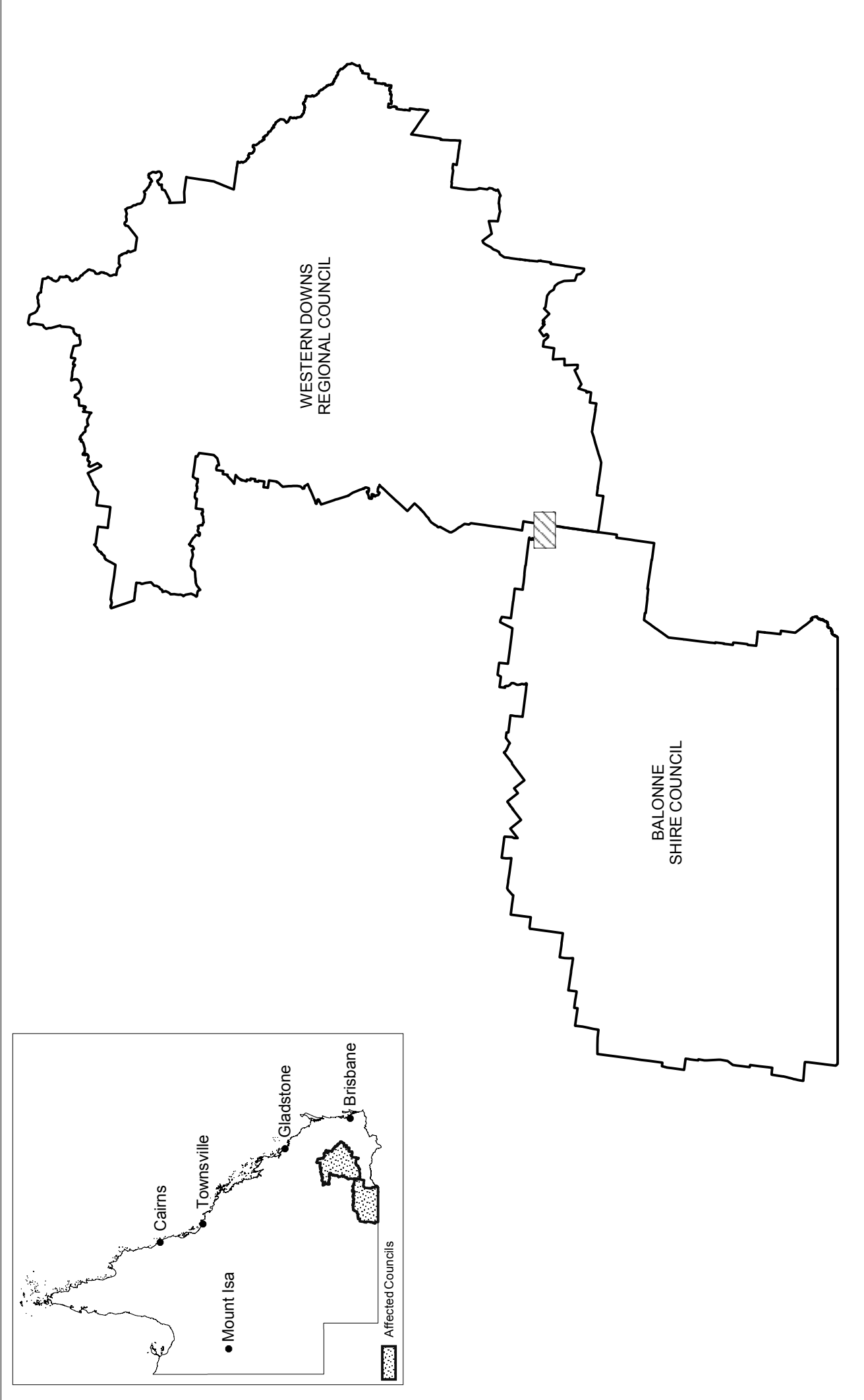
Name:

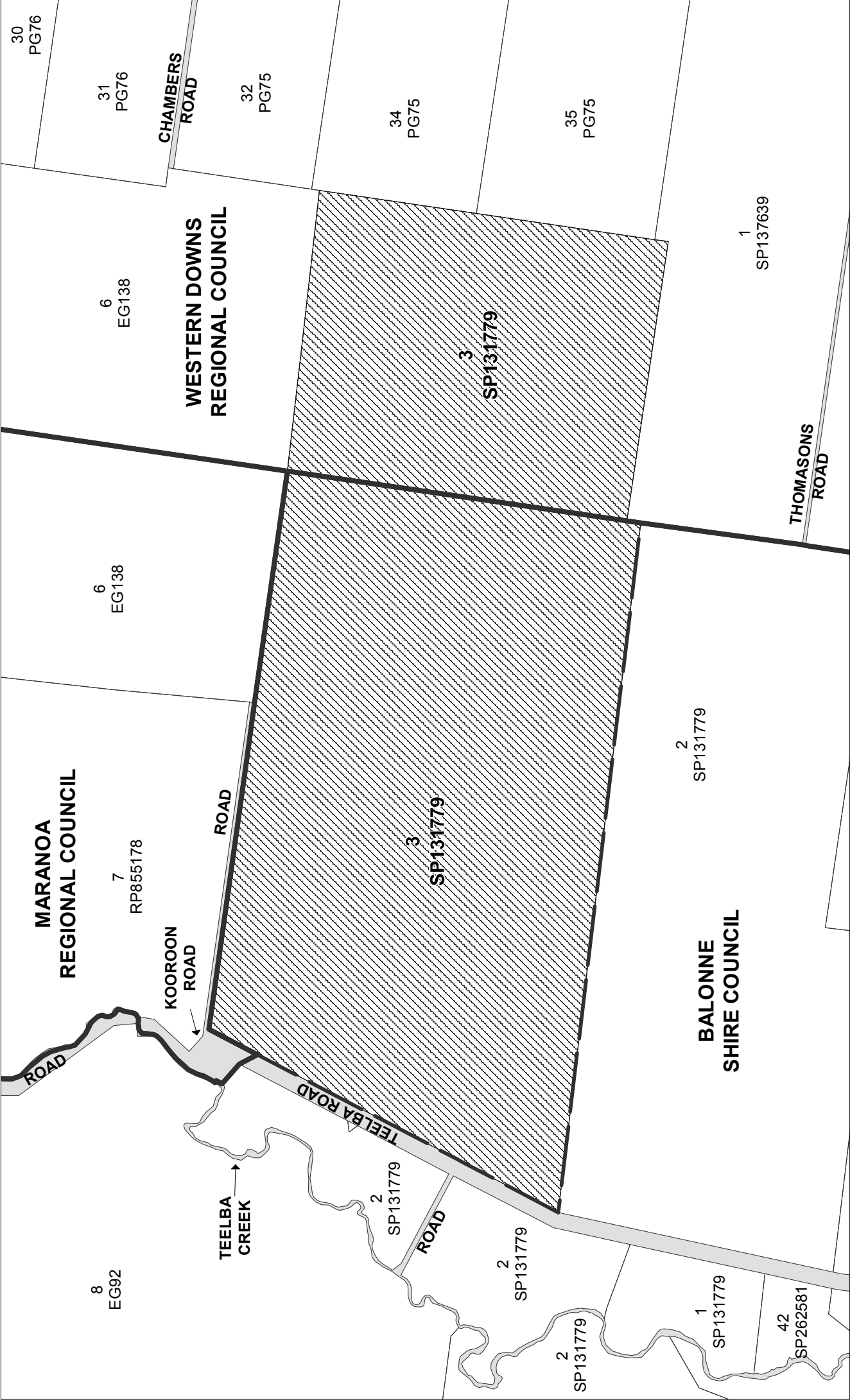
GODFREY MORGAN

APPENDIX C

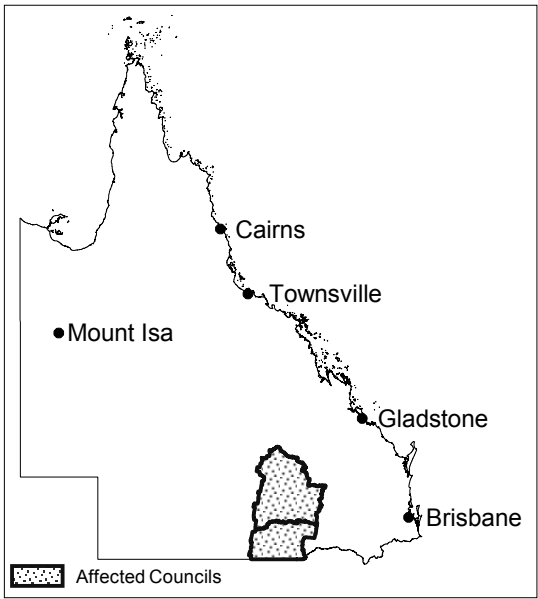
Maps

Overview Map
Balonne Shire Council and Western Downs Regional Council

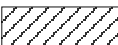




Overview Map
Balonne Shire Council and Maranoa Regional Council



**Local Government
Boundary**



Review Area

Detailed Map : Lots 5 & 6 Plan SP215322

